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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,746	03/16/2001	Ohad Falik	P04931 (NATI15-04931)	6880

7590 10/11/2005

Docket Clerk
P.O. Drawer 800889
Dallas, TX 75380

EXAMINER

MASON, DONNA K

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/810,746	Applicant(s) FALIK ET AL.	
	Examiner Donna K. Mason	Art Unit 2111	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

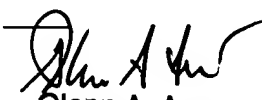
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
 6. ☒ Newly proposed or amended claim(s) 75 and 76 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: NONE.
 Claim(s) objected to: 75 and 76.
 Claim(s) rejected: 2,4-6,50-60,70,71 and 74.
 Claim(s) withdrawn from consideration: NONE.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
 13. ☒ Other: Notice of References Cited (PTO-892).


 Glenn A. Auve
 Primary Patent Examiner
 Technology Center 2100

Continuation of 5. Applicant's reply has overcome the following rejection(s): Claims 74-76 under 35 USC 112, second paragraph; and claims 53 and 54 under 35 USC 102(b).

Continuation of 11. does NOT place the application in condition for allowance because:

- (1) Regarding the rejection of claims 2, 4, 50-54, 70, and 71 under 35 USC 102(b) in view of Lockwood, Applicant argues that Lockwood does not disclose an embedded controller as recited in independent claims 1, 50 and 53. However, as described in column 4, lines 18-31, Lockwood expressly discloses a SPARC™ processor, and a SPARC™ processor is a Sun Microsystems brand of an embedded controller (see, e.g., "Sun Microsystems Unveils New SPARCengine COMPACTPCI Family of Embedded-Board Computers").
- (2) Further regarding the rejection of independent claim 53 under 35 USC 102(b), the Examiner is persuaded that Lockwood does not teach all the claimed features. However, these features are taught by Ku in view of Glider and Watanabe in view of Glider.
- (3) Regarding the rejection of claims 2, 4-6 and 50-60 as being obvious over Ku in view of Glider, Applicant argues that Ku is not valid prior art because its issue date post-dates Applicant's filing date. However, Applicant is reminded that prior art available under 35 USC 102 is available under 35 USC 103 (see MPEP 2141.01(I)), and 35 USC 102(e) states that prior art includes "a patent granted on an application for patent by another FILED in the United States before the invention by the applicant for patent, . . ." (emphasis added). Because the FILING DATE of Ku pre-dates the filing date of the examined application, Ku is valid prior art.
- (4) Regarding the rejection of claims 2, 4-6 and 50-60 as being obvious over Ku in view of Glider, Applicant further argues that Ku does not teach or suggest an embedded controller capable of providing an indication of which modules to access to the transaction control. Ku discloses an embedded controller (Fig. 5, item 620; column 11, lines 19-21), where the embedded controller is capable of providing an indication of which of the modules to access to the transaction control (Fig. 5, item 100). As described in column 5, lines 34-61, the transaction control (item 100) receives an indication from the embedded controller (i.e., "second processor") that is "coupled to secondary bus 108 and destined for the first shared peripheral on shared bus 112". In this way, the embedded controller provides an indication to the transaction control, as claimed.
- (5) Regarding the rejection of claims 2, 4-6 and 50-60 as being obvious over Ku in view of Glider, Applicant even further argues that Ku contains no suggestion or motivation for combining Glider with Ku. It should be noted that the suggestion or motivation for modifying Ku, to include the features of Glider, is found in Glider. Ku does not expressly disclose where at least one access block bit controlled by the processors for blocking access by another of the processors to at least one of the modules, and where the at least one access block bit is capable of enabling at least one of the modules. Glider discloses these features (column 5, lines 33-40). More specifically, Glider discloses where a fault management subsystem (i.e., processor) and operational subsystems (i.e., processors) compete for access to shared resources (i.e, modules). The object of Glider is to allow this shared access without causing an interruption in service provided by the operational system (i.e., processor). This is accomplished by using a semaphore to indicate a resource is in use, while preventing use by the other part of the system. In view of Glider, one would be motivated to modify Ku to avoid interrupting a processor having access to the shared resource.
- (6) Regarding the rejection of claims 2, 4-6 and 50-60 as being obvious over Ku in view of Glider, Applicant also argues that Ku does not teach or suggest access to at least two modules by an embedded controller. However, as shown in Fig. 5, items 622 and 622b) described in column column 11, lines 19-23, the "service processor 620 is preferably implemented with an embedded controller . . . One or more shared peripherals 622 (a second of which is shown in phantom and indicated by reference number 622b) are coupled to shared bus 112." Therefore, Ku discloses where an embedded controller accesses at least two modules, as claimed.
- (7) Regarding the rejection of claims 2, 4-6, 50-60, 70, 71, and 74 as being obvious over Watanabe in view of Glider, Applicant argues that Watanabe is not valid prior art because its issue date post-dates Applicant's filing date. As explained in paragraph (3) above, if the filing date of a patent pre-dates the filing date of the examined application, then the patent is valid prior art (see 35 USC 103 and 35 USC 102(e)). Therefore, because the filing date of Watanabe pre-dates the filing date of the examined application, Watanabe is valid prior art.
- (8) Regarding the rejection of claims 2, 4-6, 50-60, 70, 71, and 74 as being obvious over Watanabe in view of Glider, Applicant further argues that Watanabe contains no suggestion or motivation for combining Glider with Watanabe. It should be noted that the suggestion or motivation for modifying Watanabe to include the features of Glider, is found in Glider. Watanabe does not expressly disclose where at least one access block bit controlled by the processors for blocking access by another of the processors to at least one of the modules, and where the at least one access block bit is capable of enabling at least one of the modules. Glider discloses these features (column 5, lines 33-40). More specifically, Glider discloses where a fault management subsystem (i.e., processor) and operational subsystems (i.e., processors) compete for access to shared resources (i.e, modules). The object of Glider is to allow this shared access without causing an interruption in service provided by the operational system (i.e., processor). This is accomplished by using a semaphore to indicate a resource is in use, while preventing use by the other part of the system. In view of Glider, one would be motivated to modify Watanabe to avoid interrupting a processor having access to the shared resource.